



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

July 9, 2025

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully in response to the Court’s order dated May 27, 2025 (ECF No. 221), to jointly request, with Plaintiffs, a further extension of the briefing deadlines in this matter.

Since the parties’ last report on May 22, 2025 (ECF No. 220), Defendants have made additional progress with respect to securing approvals of a fully drafted settlement stipulation. In the context of confidential settlement discussions pursuant to Federal Rule of Evidence 408, the undersigned has provided additional detail to Plaintiffs’ counsel regarding the precise status of these efforts, and the current level of elevation within relevant government offices.

As previously reported, the parties continue to communicate and work together in good faith to hopefully avert the need to seek the Court’s adjudication of a fees motion, and believe that their current efforts represent the most efficient path to resolution. Mindful of the schedule set by the Court for motion practice, the parties jointly and respectfully ask the Court for a further adjournment of these deadlines, and propose that Plaintiffs file any motion for attorney’s fees, if necessary, no later than August 22, 2025, and that Defendants’ response be filed no later than August 29, 2025. This proposed schedule accounts for anticipated upcoming family and other leaves of counsel in this matter.

The parties thank the Court for its consideration of this matter.

Respectfully,

JAY CLAYTON
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ Rebecca S. Tinio
REBECCA S. TINIO
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, NY 10007
Tel.: (212) 637-2774
E-mail: rebecca.tinio@usdoj.gov